

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JOHN CHINNICI,
Plaintiff

v.

JOHN EDWARDS,
ROBERT HOFMANN,
OFFICER CHRISTIAN NOLL,
Defendants

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File No. 1:07-cv-229

ORDER

The Magistrate Judge's Report and Recommendation was filed July 1, 2008. (Paper 22.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

The motions to dismiss filed by defendants Edwards (Paper 19) and Hofmann (Paper 17) are GRANTED. Defendant Noll's motion to dismiss (Paper 21) is GRANTED in part with respect to all claims brought against him in his official capacity, and any claims brought pursuant to the International Covenant on Civil and Political Rights and the Prison Rape Elimination Act, 42 U.S.C. § 15601 (11). The motion is otherwise DENIED.

This matter is returned to Magistrate Judge Jerome J. Niedermeier for further proceedings.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 12th day of August, 2008.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge